UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/SR.30
15 April 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 30th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 9 April 1996, at 6 p.m.

Chairman:	Mr. LEGAULT (Vice-Chairman)	(Canada)
later:	Mr. MBA ALLO (Vice-Chairman)	(Gabon)

CONTENTS

INDIGENOUS ISSUES (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-11976 (E)

In the absence of Mr. Vergne Saboia (Brazil), Mr. Legault (Canada), Vice-Chairman, took the Chair.

The meeting was called to order at 6.05 p.m.

INDIGENOUS ISSUES (agenda item 23) (continued) (E/CN.4/1996/83 and 84; E/CN.4/1996/NGO/73; A/RES.50/157; Sub-Com/Res/1994/45; E/CN.4/1995/24; E/CN.4/Sub.2/AC.4/1995/7)

1. Mr. MEJÍA SOLÍS (Nicaragua) said that Latin America's indigenous population of 23 million people, comprising over 400 different ethnic groups, was still severely disadvantaged in both economic and social terms. Nicaragua, as a multi-ethnic and multilingual country, was gratified to note that the international community had finally become aware of the plight of indigenous peoples worldwide and was taking legislative and practical action in the context of the International Decade of the World's Indigenous People to redress the situation. His country had participated in the proceedings of the Working Group on the draft "United Nations declaration on the rights of indigenous peoples". The excellent quality of the draft declaration augured well for the final product of its deliberations.

2. The Declaration on the Occasion of the Fiftieth Anniversary of the United Nations (A/RES/50/6) recognized the right of peoples to take legitimate action in accordance with the Charter of the United Nations to realize their inalienable right of self-determination but added that such recognition should not be construed as authorizing or encouraging any action that would dismember or impair the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples. His Government, through close dialogue with the country's indigenous peoples, had succeeded in guaranteeing the right to self-determination without undermining political unity. The Statute of Autonomy of the Atlantic Coast regions, which had constitutional status, recognized the rights of indigenous peoples to communal land and religious freedom and accorded them a large measure of legislative and administrative autonomy. His delegation was convinced that, given the political will, it was possible to reconcile a State's political unity and territorial integrity with respect for the rights of indigenous peoples.

3. As part of the vigorous movement towards empowerment of indigenous peoples in Latin America over the previous two decades, Nicaragua, as seat of the Indigenous Parliament of America, had hosted the Inter-American Indian Congress in 1993, which had urged the United Nations to adopt a declaration on the rights of indigenous peoples as soon as possible with a view to forging more egalitarian and democratic relations between Governments and indigenous peoples, thereby alleviating economic hardship and enhancing social well-being.

4. As the world prepared to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights, it was regrettable that no tangible progress had been made towards adopting the draft "United Nations declaration on the rights of indigenous peoples". His delegation therefore trusted that the proceedings of the Working Group would be expedited with a view to the speedy adoption of the new instrument.

5. Mr. MIJARUL QUAYES (Bangladesh) welcomed the creation of a new agenda item on indigenous issues, which would help to focus the Commission's previously dispersed discussions on the subject. His delegation would have preferred the more people-centred title "issues relating to indigenous people" or simply "indigenous people", which would have avoided the connotation of local or non-mainstream issues, but recognized that a compromise title was necessary to reconcile differences over the use of the word "people" in the singular or plural.

6. His delegation proposed that the various resolutions on indigenous people that had been adopted should be amalgamated in a single integrated resolution at the current session. To that end, it had prepared a tentative draft resolution that endeavoured to incorporate all the substantive elements of the four separate draft resolutions currently in circulation.

7. The time had come to review the agenda of the Commission's subsidiary bodies in order to eliminate duplication in the debate on indigenous people. In particular, the Commission must decide what approach should be adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in order to ensure complementarity of discussion.

8. He expressed satisfaction that the Working Group on Indigenous Populations would be addressing the issue of the definition of indigenous people in the context of the drafting of a "United Nations declaration on the rights of indigenous peoples". His delegation also welcomed the Study on Discrimination against Indigenous Populations prepared by the Special Rapporteur on treaties, agreements and other constructive arrangements between States and indigenous populations, which shed light on the characteristics of a genuine indigenous people.

9. His delegation would continue to be actively involved in the intersessional work of the Commission and its subsidiary bodies aimed at establishing an institutional mechanism that would address the gross historical injustices experienced by indigenous people.

10. Mr. TCHUMAREV (Russian Federation) said that the work done at the first session of the Working Group on the draft "United Nations declaration on the rights of indigenous peoples" was an important step towards safeguarding the culture, traditions and ethnic identity of indigenous peoples. His delegation welcomed the invaluable contribution made to the proceedings by non-governmental organizations (NGOs) representing indigenous peoples and felt that the Committee on Non-Governmental Organizations of the Economic and Social Council should continue to adopt a flexible approach to the participation of such organizations in the Working Group's sessions.

11. Observation of a number of principles would ensure that the draft declaration would be adopted as soon as possible and be recognized as a genuinely universal instrument. For example, its provisions should correspond to those of comparable international instruments and take into account the diverse circumstances of the world's indigenous peoples. Moreover, its provisions should be compatible with existing norms of international law, and

in particular should avoid setting lower standards. Lastly, a pragmatic rather than an idealistic approach should be adopted to the standard-setting process.

12. His delegation considered that consultations on the possible establishment of a permanent forum for indigenous people should continue in all relevant United Nations bodies and should involve not only Governments but also representatives of indigenous peoples and experts. It supported the Sub-Commission's recommendation regarding the organization of a second workshop on the subject to consolidate the progress made at the first workshop held in Copenhagen in 1995.

13. The Governments of States in which indigenous peoples lived obviously bore primary responsibility for their welfare, and he noted that even in its present difficult economic circumstances, the Russian Federation was taking vigorous institutional and legislative action to improve their lot. Legislative bodies in regions inhabited by indigenous peoples had drafted proposals on land rights and preservation of their means of subsistence. At the federal level, a State Committee on the Affairs of the Peoples of the North had been established and a number of bills designed to improve their legal, economic and social status were currently before Parliament, and the Government had drawn up a policy document aimed at guaranteeing the rights of indigenous peoples.

14. Mr. MUÑOZ-LEDO (Mexico) said that a large proportion of his country's indigenous population were still living in poverty, relegated to the margins of national development. Under the National Development Plan (1995-2000), President Zedillo had proposed a new deal and a new relationship between society and indigenous groups based on recognition of and respect for cultural diversity.

15. At their summit meeting in Madrid in 1992, the Ibero-American Heads of State had decided to establish an intergovernmental Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean to promote self-reliance of indigenous peoples, communities and organizations.

16. Mexico attached great importance to the activities proposed in connection with the International Decade of the World's Indigenous People, in which representatives of indigenous groups from all regions of the world should participate.

17. The proposed permanent forum for indigenous people, representing the culmination of a process initiated a decade previously, would allow indigenous groups to present their views and assert their rights alongside government representatives in the context of the United Nations.

18. The proceedings of the Working Group on the draft "United Nations declaration on the rights of indigenous peoples", which had begun its work in November 1995, were highly promising, and the Government of Mexico hoped they would lead to a strengthening of the system for the protection and promotion of the rights of indigenous peoples.

19. His delegation felt that the time had come for the international community to enter into a firm commitment to promote the rights and legitimate aspirations of indigenous peoples and to eliminate the evils of extreme poverty and marginalization. Mexico was one of the few States to have ratified the ILO's Indigenous and Tribal Peoples Convention 1989, (No. 169), which was the only international instrument currently in force that applied recent developments in international law to the situation of indigenous peoples. Mexico urged all States that had not yet done so to ratify the Convention.

20. Mexico also supported the efforts of the Organization of American States to prepare an inter-American declaration of the rights of indigenous peoples for adoption in 1997.

The meeting was suspended at 6.35 p.m. and resumed at 6.50 p.m.

21. Mr. Mba Allo (Gabon), Vice-Chairman, took the Chair.

22. Ms. Margarita ESCOBAR (El Salvador) said her Government supported the inclusion of indigenous affairs as a separate item on the agenda and was of the view that the Commission should adapt its agenda and working methods in the light of the principles and objectives of the Vienna Declaration and Programme of Action, which accorded high priority to indigenous affairs.

23. El Salvador had participated in the first session of the Working Group on the draft "United Nations declaration on the rights of indigenous peoples" and was heartened by the progress it had made and by the general debate on the draft declaration. Political will and detailed consideration of the declaration were required to overcome the remaining obstacles to the early adoption of the declaration. In any event, it was encouraging to note that the declaration reflected unity rather than discord.

24. Many indigenous organizations had been unable to participate in the Working Group the previous year for various reasons and El Salvador therefore hoped that the Economic and Social Council would complete its consideration of the applications before it and thus ensure the participation of as many of those organizations as possible. It was also desirable that the Working Group should be provided with the necessary financial resources.

25. She noted that the adoption of a United Nations declaration on the rights of indigenous peoples during the International Decade of the World's Indigenous People, would promote the aims of the Decade, particularly in respect of human rights, environment, education and health, and foster international cooperation in improving the conditions of all indigenous peoples. Furthermore, particular attention should be paid to the specific needs of individual cases and permanent consultation with target groups.

26. United Nations bodies and specialized agencies were urged to play a fundamental role in the achievement of those goals. The adoption of General Assembly resolution 50/157 on the Programme of Action for the International Decade was an encouraging sign of cooperation aimed at improving existing conditions for indigenous peoples. Such activities would place future generations on a footing of equality. Her Government was prepared to

join in efforts to achieve those worthwhile goals and hoped that the declaration on the rights of indigenous peoples would be adopted in the first half of the International Decade.

27. El Salvador had consistently supported the establishment of a permanent forum for indigenous peoples within the United Nations, and was of the view that the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities provided an appropriate forum for dealing with that question.

28. Mr. SÁENZ (Colombia) also welcomed the discussion of indigenous affairs under a separate agenda item as a clear indication of its growing importance for the United Nations system and Member States. His country had continued to develop constitutional norms ensuring broad recognition of the legitimate rights of indigenous peoples and encouraging the active participation of indigenous organizations and peoples.

29. Steps taken at the national level required parallel action at the international level and vice versa. The international community must therefore continue to regard the various initiatives aimed at attaining the goals of the International Decade, the discussions of the draft declaration and exchanges of views on the establishment of a permanent forum as the ideal strategy for achieving the best results at all levels.

30. He reaffirmed the importance of the International Decade and the debate on the draft declaration in defining terms such as "indigenous people" and noted that, in its Constitution, Colombia recognized indigenous peoples as aboriginal peoples having particular characteristics.

31. His Government believed it was essential to create a specific body within the United Nations responsible for matters connected with respect for and protection and promotion of the rights of indigenous people. Colombia also supported the creation of a permanent forum for indigenous people, with governmental and indigenous representation, to guarantee conditions which promoted the ethnic and cultural development of indigenous groups. That forum should not concentrate exclusively on the claims of indigenous peoples but should take an integrated view of their needs.

32. Coordination among the specialized agencies during the International Decade was vital, as was the need to review existing machinery, procedures and programmes relating to indigenous affairs. In that regard a comprehensive report by the Secretary-General would be most useful. Moreover, all components of the United Nations system committed to the protection and development of the indigenous heritage should observe the guidelines proposed by the Chairperson-Rapporteur of the Working Group.

33. He joined previous speakers in their hope for the early adoption of the declaration by the United Nations General Assembly as a symbol of international recognition of the value and diversity of cultures and the forms of social organization of indigenous populations.

34. Ms. ROY (International Labour Organization) said ILO was continuing its supervision of the two conventions on indigenous and tribal peoples.

Convention No. 169 had been ratified by nine countries and approved by several others. Convention No. 107 remained binding on the 20 States which had ratified it. ILO also provided information on the situation in the States which had ratified those Conventions to the Working Group on Indigenous Populations.

35. Since 1982, ILO had followed the drafting of the declaration on the rights of indigenous peoples and had submitted its comments to the Working Group to ensure the maintenance of established standards. In that connection it drew attention to preambular paragraph 6 of General Assembly resolution 50/157 calling for the compatibility of international instruments and standards applicable to indigenous people.

36. A technical cooperation project, funded by the Danish International Development Aid Agency (DANIDA), had been launched. It would be staffed by two indigenous persons and had been conceived as a means of enhancing ILO's response to requests for assistance from countries which were either preparing for the ratification or improving the application of Convention No. 169, or seeking to improve the application of Convention No. 107. The project was designed to contribute to the development of policy approaches to indigenous questions within the framework of relevant ILO standards, and to strengthen the capacity of indigenous and tribal peoples to participate in the development of relevant national policies. In the long term, the project aimed at increasing awareness of ILO standards during the International Decade and beyond. The new project complemented other ILO projects financed by ILO's regular budget and donors.

37. ILO was contributing to peace-making in Guatemala by supporting the negotiating process, and was pleased to note that the Congress of Guatemala had unanimously ratified Convention No. 169.

38. ILO's Governing Body had approved the follow-up to the implementation of the Platform of Action of the Fourth World Conference on Women which contained a component that was directly related to the task of strengthening the role of indigenous and tribal women in the decision-making process within the framework of Convention No. 169.

39. Mr. WILSON (Observer for New Zealand) said that the establishment of a separate agenda item on indigenous issues reflected the importance now being attached to such matters by the international community and the Commission. His delegation also welcomed the establishment of an open-ended inter-sessional Working Group to elaborate a draft "United Nations declaration on the rights of indigenous peoples", and was especially pleased that the practice of involving indigenous people in consideration of the draft declaration had been continued in the Working Group. Indeed, that involvement was an acknowledgement of the substantial contribution already made by indigenous organizations to the development of the draft text. Although many difficult issues remained, good progress had been made in 1995 and New Zealand remained committed to the elaboration of a declaration that would command wide consensus and help to improve the situation of indigenous people.

40. His delegation continued to believe that the Sub-Commission's Working Group on Indigenous Populations should consider ways of strengthening the

participation of indigenous representatives in its work. As Member States undertook their programmes of activities for the International Decade of the World's Indigenous People, it was important that United Nations bodies and specialized agencies should contribute to the Decade's goals, and New Zealand therefore welcomed the General Assembly's request for a review of existing United Nations mechanisms, procedures and programmes concerning indigenous people.

41. In New Zealand, the underlying theme for the Decade was the Maori language. In addition, activities in 1996 and 1997 would focus on education, and the theme for 1998 would be Toi (the arts), complementing the Aotearoa Festival of Performing Arts, the opening of the new Museum of New Zealand, and the International Festival of the Arts. A committee of Maori representatives had been established to coordinate Decade activities and to consider grant applications. When introducing the resolution concerning the Working Group on Indigenous Populations at the current session, his delegation would propose that it should explicitly recognize the role the Working Group could play in assessing implementation of the programme of activities for the Decade.

42. Ms. THOMPSON (Observer for Costa Rica) welcomed the introduction of a separate agenda item on indigenous issues. In recent years Costa Rica had enacted laws protecting the territorial rights of indigenous peoples and granting citizenship to indigenous people in border areas, and a draft law at present before the Legislative Assembly was aimed at strengthening the concept of self-determination. Costa Rica had recently ratified the ILO's Indigenous and Tribal Peoples Convention (1989) (No. 169), as well as the Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean. New alternative health-care programmes acknowledged the importance of traditional indigenous medicine, and an Indigenous Council had been set up to provide bilingual education in Spanish and any one of the country's six indigenous languages.

43. International cooperation was crucial in finding solutions to the problems faced by indigenous peoples. Costa Rica fully supported the aims of the International Decade of the World's Indigenous People, but took the view that achievement of those aims required a clear commitment on the part of the United Nations system, Governments, NGOs and the indigenous peoples themselves. Her delegation therefore attached great importance to the appointment of Mr. José Carlos Morales as Focal Point to liaise between indigenous groups and the Centre for Human Rights, and also supported the establishment of a permanent forum for indigenous people within the United Nations system.

44. Mrs. MARKIDES (Observer for Cyprus) welcomed the unanimous decision of the Commission to include indigenous issues as a separate item in its agenda, thus according them the special attention they deserved. Cyprus had noted with satisfaction the report of the Sub-Commission's Working Group on Indigenous Populations (E/CN.4/Sub.2/1995/24), and considered that the adoption by the Working Group and by the Sub-Commission of the draft "United Nations declaration on the rights of indigenous peoples" was an important accomplishment. Her delegation also commended the report of the Working Group of the Commission mandated to elaborate a draft declaration (E/CN.4/1996/84), and in particular the measures taken to ensure effective

input by organizations of indigenous people. It was to be hoped that the draft resolution recommending the holding of a further meeting of the Working Group before the fifty-third session of the Commission would be adopted by consensus, and that a draft declaration accommodating all concerns would soon be adopted.

45. The United Nations General Assembly had stated that the adoption of a declaration on the rights of indigenous peoples was a major goal of the International Decade of the World's Indigenous People, and had also emphasized the importance of establishing a permanent forum for indigenous people within the United Nations system; her delegation believed that the establishment of such a forum would help to promote the rights of indigenous peoples.

46. Mr. PFIRTER (Observer for Switzerland) reaffirmed Switzerland's conviction, already expressed at the opening of the session of the Working Group responsible for the elaboration of a draft declaration on the rights of indigenous peoples in November 1995, that such a declaration must be adopted as a matter of urgency, since indigenous people had ways of life, traditions, cultures and activities that were not only essential to their own survival, but also beneficial to humankind as a whole. As modern civilization often inflicted serious harm on those peoples, they were in need of special protection of a sort that more general human rights instruments could not provide. Adoption of the declaration must thus not be held up by wrangles about the definition of terms such as "indigenous people". In his delegation's view, the lack of a definition did not constitute an obstacle to the drafting and adoption of the declaration, for the sufficiently precise definitions contained in the 1987 study prepared for the Sub-Commission by Mr. Martínez Cobo and in ILO Convention No. 169 provided adequate guidelines.

47. Mr. QUISPE (Observer for Bolivia) said that Bolivia was a multi-ethnic and multicultural State in which indigenous issues were addressed by the legislative, executive and judicial branches alike. The Legislature included democratically elected indigenous representatives, who had contributed actively to the reform of the Constitution; and, for the first time in the country's history, the ex officio President of the National Congress was of indigenous stock. With indigenous participation, important laws had been enacted, granting legal personality to indigenous groups, defining education as "intercultural and bilingual", and recognizing the traditional system of justice of Bolivia's indigenous peoples and communities. The Ministry of Human Development had set up a National Department for Ethnic Affairs, in which a Consultative Council formulated policies for indigenous peoples. The Judiciary was responsible for providing legal defence free of charge and interpretation facilities for persons whose mother tongue was not Spanish.

48. The Government of Bolivia had established a National Committee to implement the International Decade of the World's Indigenous People, in which national indigenous organizations participated, to plan, coordinate, evaluate and promote national activities for the Decade. His delegation considered that the Working Group responsible for the elaboration of a draft declaration had made significant progress and was of the view that the momentum generated must be maintained if discrimination against indigenous peoples and denial of

their rights was to be ended. Lastly, his delegation supported the establishment of a permanent forum for indigenous people within the United Nations system.

49. Mr. ORELLANA (Indigenous World Association) said that the Coordinating Group of Indigenous Peoples of Central and South America, welcomed the inclusion of indigenous issues as a separate agenda item as well as the frequent dialogues it had had with the various regional groups, which had revealed the need to strengthen communication between Governments and indigenous peoples. It called on the international community to adopt the draft declaration on the rights of indigenous peoples in its entirety since indigenous peoples had participated in its preparation for more than 10 years and had recognized it as an expression of the minimum criteria necessary for their survival. The international community should take account of the benefits that would accrue to all countries if the declaration were adopted, and of the contribution indigenous peoples could make to their countries' economies if their basic rights were guaranteed. Recognition of those rights would lead to the establishment of new relations, in which solutions could be found to the problems of indigenous peoples who, for their part, would acknowledge their responsibility to contribute to the welfare of national societies and States.

50. The proposed permanent forum could play a crucial role in addressing the violence and the critical health and educational problems experienced by many indigenous communities. The indigenous peoples called on the international community and all participants in armed conflicts to put an end to the horrors to which they were subjected in countries such as Guatemala, Mexico and Colombia. The declaration on the rights of indigenous peoples must be adopted as a matter of urgency, and the basic aims of the programme of activities of the Decade must be implemented by all the international, governmental, non-governmental and indigenous bodies concerned.

51. Mr. SJORSLEV (Saami Council), referring to the General Assembly's request that a permanent forum for indigenous people should be set up within the United Nations system, suggested that it could be entitled the United Nations Commission on the status of indigenous peoples and, as a subsidiary body of the Economic and Social Council, should be able to deal effectively with such issues as the health, development, education, culture and environment of indigenous peoples and help other United Nations organs to devise relevant coherent and coordinated policies and programmes which had to take indigenous views into account. Moreover, there should be indigenous participation in the Decade's theme "Indigenous peoples - Partnership in Action".

52. The draft declaration on the rights of indigenous peoples, reflecting close consultation and cooperation, was a major breakthrough in that it stated the principle of equality and truly reflected the aspirations of indigenous peoples while testifying to their difficulties. It should not be weakened in any way.

53. The International Decade of the World's Indigenous Peoples had to achieve more than well-intentioned United Nations resolutions, but resources and a

lack of will were a problem. The Nordic countries were already contributing to the Trust Fund for the Decade, and he hoped that other countries as well as the United Nations itself would allocate sufficient funds.

54. During the Decade the draft declaration should be adopted, international standards for the protection and promotion of the human rights of indigenous peoples should be embodied in a United Nations convention and an effective monitoring system should be established.

55. Mr. HARDBATTLE (Four Directions Council) explained that the Khwe people of Botswana, also known as Bushmen or San, were an ancient indigenous people whose lives were governed by traditions which had enabled them to live in balance and harmony with their fragile, hostile, yet beautiful environment, the Kalahari desert, for more than 40,000 years.

56. The Botswana Government's failure to acknowledge their extensive and profound knowledge of resource management had led to a steep decline in the local game population.

57. Control over their ancestral land, the Sand Face, to which they were attached by deep spiritual links, was the most important issue faced by the Khwe. The discussion of agenda item 23 should therefore include recognition of land ownership rights, access to and use of traditional territories, as well as procedures for political participation in decisions affecting indigenous communities, provision of means for their self-development and the protection and promotion of indigenous culture, knowledge and beliefs.

58. The former policy of trying to integrate indigenous peoples into mainstream culture was no longer acceptable, since its human, social and economic costs were obvious and undeniable. Governments should demonstrate political vision by allowing indigenous peoples to play a central role in deciding their own fate and view that approach as an opportunity, not a constraint.

59. Mr. POMA (World Council of Churches) recalled that in 1990 the Council had sponsored a World Meeting on Justice, Peace and the Integrity of Creation which had adopted a declaration pointing out that humanity had entered a new epoch by acquiring the means of self-destruction. Economic, political and technological progress could not continue at its previous pace. Many people had come to realize that a completely new approach evidencing concern for the whole of God's creation by combining peace, justice and sustainable environmental policies was needed to avert a disaster.

60. Those ideas had been reflected in a statement by the United Nations Secretary-General, at the Rio Summit in 1993, when he had spoken of the spiritual link between ancient cultures and their environment and of the need to create an ethical and political framework enabling humanity to live in harmony with the earth. For indigenous peoples the earth possessed a spirituality that transcended the material world.

61. The draft declaration on the rights of indigenous peoples echoed those ideas and was linked to the Copenhagen Declaration of 1995 and the Rio Declaration of 1993. It established minimum criteria enabling indigenous peoples to preserve their existence and culture, which had long been in jeopardy.

62. Indeed the text was part of a more far-reaching attempt to ensure mankind's survival, and Governments should not analyse it to see what minimum concessions they should make to indigenous peoples. It would become a basic United Nations document, as it set out the most important requirements for a spiritual compromise between the earth and creation, factors which had been a concern of indigenous peoples for centuries. The text should be respected as it would ultimately benefit the whole world.

63. The World Council of Churches called for the immediate establishment of machinery for the distribution of the voluntary fund for the International Decade of the World's Indigenous People, and supported the establishment of a permanent forum together with further studies on, and a dialogue with, indigenous peoples.

64. Ms. GARSTANG (Asian Buddhists Conference for Peace) considered that the first session of the Commission on Human Rights to address the question of indigenous peoples as a separate agenda item was a significant step towards the realization of true equality for all peoples.

65. Indigenous peoples were entitled to recognition as separate peoples. All over the world they faced marginalization, impoverishment, erosion of their rights and dispossession of their ancestral lands.

66. The fate of the indigenous peoples of the Chittagong Hill Tracts illustrated the disastrous effects of poorly conceived government policies on an indigenous people who had been neither informed nor consulted about them.

67. Racial tension was mounting in the Hill Tracts, where a number of human rights violations had occurred, and some of the indigenous people had formed a movement for regional autonomy. After 20 years of struggle, negotiations had begun between the Government and the Jana Samhati Sanghati, the main indigenous organization, but scant progress had been made and no negotiated settlement had been reached.

68. It was to be hoped that during the International Decade of the World's Indigenous People talks would help to resolve the conflict and, to that end, the Conference requested the appointment of a United Nations team of observers to monitor the dialogue and restore peace to the Hill Tracts of Bangladesh.

The meeting rose at 9.05 p.m.

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/SR.31
17 April 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 April 1996, at 10 a.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

CONTENTS

STATEMENT BY THE EXECUTIVE DIRECTOR OF THE JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS (UNAIDS)

STATEMENT BY THE MINISTER OF JUSTICE AND PUBLIC SECURITY OF HAITI

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CUBA

INDIGENOUS ISSUES (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-11979 (E)

CONTENTS (continued)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY FOR DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

The meeting was called to order at 10.10 a.m.

STATEMENT BY THE EXECUTIVE DIRECTOR OF THE JOINT UNITED NATIONS PROGRAMME ON HIV/AIDS (UNAIDS)

1. Mr. PIOT (Executive Director, Joint United Nations Programme on HIV/AIDS (UNAIDS)), after thanking the delegations that had once again sponsored a draft resolution on HIV/AIDS, said that human rights abuses in the context of HIV/AIDS were continuing. It was estimated that over 20 million people were infected, including 9 million women and 1.5 million children. Five persons became infected every minute, and a vaccine and cure were still far from discovery. Thus there was a need for an expanded response going beyond the health sector, in which human rights was a critical tool.

2. Key elements were the rights to information, education, health and non-discrimination. To the extent that Governments and social and religious mores limited access to them, vulnerability to HIV infection was increased and the right to life jeopardized. That was especially true of vulnerable and marginalized groups. Moreover, widespread discrimination due to HIV status often made it impossible for those affected to provide for themselves and contribute to their communities, since it denied them not only their dignity but also their rights to employment, education, privacy, housing, social support, health care, an adequate standard of living and, in some cases, liberty.

3. UNAIDS welcomed the report of the Special Rapporteur on violence against women (E/CN.4/1996/53 and Add.1) since such violence was a key factor in exacerbating the epidemic. Any kind of coerced sex put women at risk of infection. Many women were forced to have sexual relations with infected husbands who refused to use condoms, and discrimination against women and girls in access to education and employment reinforced their economic dependence on relationships that sometimes threatened them with infection. An HIV-positive woman driven from the family home or left to care for the family when the husband died of AIDS was often forced to choose between destitution or prostitution.

4. Many countries applied some form of HIV-related travel restriction, even though there was no valid public health reason to do so. As a result, refugee families were sometimes denied asylum because of the HIV status of one member. Migrant workers were denied employment and sent home to their dependants because they were infected, while the living conditions of displaced people created situations ripe for explosive transmission.

5. To combat those abuses, UNAIDS intended to promote the human rights necessary to enable people to protect themselves from infection and to cope, if infected. It would seek to ensure respect for ethics in policy development, implementation and research and to destigmatize HIV/AIDS. It was currently in the process of organizing, jointly with the Centre for Human Rights, the second expert consultation on HIV/AIDS and human rights, the main purpose of which was to recommend guidelines to States setting forth critical human rights standards, as well as concrete measures that States could take to protect HIV-related human rights.

6. The essential partners of UNAIDS in human rights issues were United Nations human rights bodies and non-governmental organizations (NGOs) concerned with human rights. Although some human rights bodies had integrated HIV into their mandates, most had not or continued to look upon HIV as only a health issue. Thanks were therefore due to the Commission and to the Secretary-General for their efforts to keep HIV-related human rights under review.

7. UNAIDS welcomed the Secretary-General's recommendation that, at the next meeting of persons chairing United Nations treaty bodies and at the meeting of special rapporteurs, special representatives and working groups, a discussion should be held on concrete ways of integrating HIV-related human rights issues into their respective mandates. In particular, UNAIDS requested that both the thematic and the country-specific special rapporteurs and special representatives should consider HIV/AIDS in their reports, as the Special Representative for Cambodia had already done (E/CN.4/1996/93).

8. It was also important that HIV-related issues should be integrated into areas such as education and human rights, public information activities, the HIV-related human rights of women, and the work of national human rights institutions. Moreover, much more needed to be done by States to ensure that their laws and policies protected people affected by HIV and did not inhibit HIV programmes for groups such as homosexual men, sex workers and drug users.

9. The Commission's support was needed for the effort to build up the legal systems that would protect future generations and to establish a mechanism for the review of State compliance with the guidelines to be laid down. The Commission should also request the Sub-Commission to initiate a study on the nature of States' obligations regarding such issues as public health limitations and discrimination based on disability and state of health. In addition, the Commission should propose that the Centre for Human Rights should assign a full-time professional staff member to the HIV/AIDS mandate.

10. A conspiracy of silence continued to surround HIV/AIDS, allowing Governments to close their eyes to the urgency of action and to keep HIV off various agendas. To break through that conspiracy, it was essential that the Commission should continue to make HIV-related human rights a visible and priority concern.

STATEMENT BY THE MINISTER OF JUSTICE AND PUBLIC SECURITY OF HAITI

11. Mr. ANTOINE (Haiti) said that he appreciated the excellent work done by the independent expert mandated to study the situation of human rights in Haiti and hoped that collaboration between the expert and his Government could continue.

12. In his country, the majority had long been oppressed by a small despotic minority. The election of President Aristide in December 1990 had been the Haitian people's reply to that oppression. Seven months later, however, the naissant democracy had been crushed by a coup d'état. Constitutional order had finally been restored in October 1994 as a result of the Haitian people's mobilization and the refusal of the international community to support the

de facto authorities. The groups responsible for the coup d'état still enjoyed impunity, however, and remained a threat to the establishment of the rule of law in Haiti.

13. Until recently, military authorities had prevailed over the civil authorities in Haiti but, since the country's return to the rule of law, the army had been dismantled and would eventually be completely disbanded. Public security was in the hands of a professional police force which had encountered some difficulties, owing to inadequate training and equipment, manoeuvres by destabilization forces, and serious logistic problems. The national penitentiary system - a specialized police service - was endeavouring to maintain acceptable conditions in the prisons despite serious logistic difficulties.

14. His Ministry had revised the salary scales for judges and administrative personnel and had made important structural reforms including new organizational law, reorganization of services and decentralization of activities, improved financial management and the creation of new bodies. The Government had appointed two Secretaries of State for Justice, one responsible for judicial reform and the other for public security, both of whom had been given broad mandates.

15. The Government was planning to implement the recommendations contained in the report of the National Commission of Truth and Justice, established to examine crimes committed during the authoritarian period. The documents confiscated from the premises of the Front pour l'Avancement et le Progrès Haitien (FRAPH) would be of great importance in that regard.

16. The authorities faced a dilemma: they were bound to bring suspects to justice but they were also bound to respect the dignity of the parties concerned and to ensure respect for the rights of prisoners. Re-establishing the authority of the State meant that the institutions responsible for public order and peace must be strengthened. While international cooperation had been obtained in those areas, much remained to be done in terms of administrative, technical and logistic matters.

17. The right to development was a priority for his Government. The coup d'état had worsened the country's economic crisis and had accentuated social disparities. Wealth was concentrated in the hands of a small minority. More than 80 per cent of the population lived below the poverty line. The majority of the population had no access to the system of justice. His Government was therefore taking steps to disseminate information on legal rights and to provide legal assistance throughout the country.

18. Haiti would be taking the appropriate legal measures to ratify the international instruments to which it was not yet party. While the current institutional structural was, unfortunately, not adequate to prevent violations of individual rights, his Government was committed to ensuring those rights and to building a society on that basis.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CUBA

19. Mr. ROBAINA GONZALEZ (Cuba) said that much still remained to be done before the Vienna Declaration and Programme of Action could be fully implemented. Indeed, the alarming rise in xenophobia and neo-fascism in Western countries and the attempts by centres of power not only to impose new forms of colonialism and neo-colonialism but also to destroy solidarity and international cooperation were ample reasons why his Government was unsatisfied with the results achieved at Vienna. Moreover, globalization, unipolarity and neo-liberalism created new phenomena and exacerbated old issues such as State terrorism and drug trafficking, while human rights had become politicized and manipulated into a North-South confrontation.

20. The goal of fully realizing all human rights in all countries could be achieved only through genuine international cooperation on the basis of non-discrimination and non-selectivity. The Universal Declaration of Human Rights should be implemented in its entirety with due regard for the indivisibility of all human rights. There were no special categories of human rights. All human rights were equally important and deserved equal treatment.

21. For the overwhelming majority of the world's inhabitants who lived in conditions unworthy of human beings, the struggle for human rights had different dimensions and priorities, however. The first human right, that to life, could not be exercised without securing food, health care and shelter and it was thus vitally important to ensure the full enjoyment of the right to development, without which there could be no progress in other human rights. Consequently, the current practice in many of the so-called liberal democracies of invoking the right to freedom of opinion and expression to justify and protect neo-Nazi groups was an insult to history and a danger to the future of mankind.

22. Various methods were used to interfere in the internal affairs of other countries in the name of human rights and the confrontational tactics employed undermined the very cause of human rights, which must not be used as an ideological weapon or foreign-policy tool. Indeed, the human right which deserved the most attention was the right of every people freely to determine its political and socio-economic system without foreign interference. Attempts to impose on the world such concepts as liberal market democracy, which appeared to mean a society in which power belonged to those who could pay for it, were quite unacceptable.

23. The Cuban people had demonstrated to the international community that it could survive on a basis of national unity, justice, respect for human dignity, equity, morality and loyalty, and no one had the right to question its decision to press ahead with its own brand of socialism, which it had chosen freely and in a sovereign manner.

24. Cuba had always respected the principles of the United Nations Charter and international law, but the hideous Helms-Burton Act recently adopted in the United States of America was not only an affront to the most sacred principles of international law, but also a cruel violation of the right to life of 11 million human beings. That Act was a carefully planned declaration of economic war designed to bring the Cuban people to its knees through hunger and despair. It was nothing more than a further attempt to satisfy the thirst for revenge of a few annexationists, shady millionaires and mobsters of Cuban

origin, who wanted to force the country back to the bad old days of crime, misery and corruption. The legislation was also completely nonsensical, since its application would cost the United States astronomical sums of money. Although the Cuban people was already beginning to feel the effects of that measure, it would never let itself be beaten into submission.

25. The reactionary forces that currently dominated a United States where neo-Fascist ideas were rampant were undoubtedly behind the law and the atmosphere of tension between the two countries was due to a dirty political conspiracy aimed not against Cuba itself but against its liberal and progressive ideas.

26. Cuba, which had never sought to create unnecessary tension in its relations with the United States, was nevertheless firmly committed to defending its sovereignty and territorial integrity. No attempts to destroy its revolution and independence would ever be successful and it would allow no Government or institution to interfere in its internal affairs. Nevertheless, it was prepared to discuss with the United States any subject of common interest on the basis of mutual respect.

INDIGENOUS ISSUES (agenda item 23) (continued) (E/CN.4/1996/83 and 84; E/CN.4/1996/NGO/73; A/RES/50/157; Sub-Com/Res/1994/45; E/CN.4/1995/24; E/CN.4/Sub.2/AC.4/1995/7)

27. Mr. SALDAMANDO (International Indian Treaty Council), having welcomed the inclusion of that separate item in the agenda as a result of the persistence of a few delegations, said that some States still questioned the use of the plural "peoples" in the title of the draft declaration being considered, for fear lest it might lead to the recognition of indigenous peoples as having the right to self-determination and thus secession. It was difficult to see how a human rights declaration, which was not a convention, could produce such a result, particularly since the draft declaration stipulated that nothing in it could be used to violate the Charter of the United Nations.

28. He hoped that all States would approach the draft declaration, the International Decade and the permanent forum for indigenous people with an open mind and that the Commission would extend for two years the study on treaties, agreements and other constructive arrangements between States and indigenous populations.

29. Ms. MORLEY (Lutheran World Federation) said that there was an urgent need for international and national mechanisms to deal with the specific situation of indigenous peoples and to work towards a recognition of their group rights. The creation of an international framework for those rights was a difficult task touching upon sensitive issues such as self-determination, sovereignty, land tenure, and cultural and environmental rights, but the world community had a responsibility to deal with them constructively.

30. Mr. GEBRIEL (World Federation of Democratic Youth) said that there was a growing international awareness of the rights of indigenous peoples, of which the development of the draft declaration on the rights of indigenous peoples and the calls for a permanent forum for indigenous people were clear manifestations.

31. His Federation fully supported the draft declaration in the present realistic form in which it had been adopted by the Sub-Commission after nearly five years of painstaking efforts. The Commission should advise the open-ended inter-sessional Working Group to be more flexible in its consideration of the document to ensure that the final declaration would be adopted by the General Assembly by the end of the first half of the International Decade of the World's Indigenous People.

32. The implementation of the short-term programme of activities for the International Decade would require effective administrative, technical and financial mechanisms. The mandates for the Voluntary Fund for Indigenous Populations and the Voluntary Fund for the International Decade of the World's Indigenous People should be strengthened by further facilitating the direct involvement of indigenous people. In particular, a board of trustees, including representatives of indigenous peoples and persons having specialized knowledge of indigenous issues, should be appointed to manage the latter.

33. The title of the item, whose inclusion in the agenda he welcomed, should be changed to focus on the rights of indigenous peoples. It should also be given suitable sub-items covering areas such as reports on the progress of the draft declaration, follow-up to the programme of activities for the International Decade, and technical support services and documentation of the existing treaties, agreements and other constructive arrangements between States and indigenous populations.

34. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that indigenous peoples should be able to exercise the right to self-determination but that did not necessarily entail secession or independence but meant the right to choose their own form of government. The right to self-determination covered most other rights of peoples. Her organization hoped that the new agenda item on indigenous issues would help to secure the acceptance of indigenous representatives as equal partners in the dialogue with Governments.

35. Ms. SOLES (Third World Movement against the Exploitation of Women) said that the Commission should endorse all the resolutions on indigenous issues which the Sub-Commission had adopted at its forty-seventh session, especially those mentioned in paragraph 29 of the annotated agenda (A/CN.4/1996/1/Add.1).

36. The cuts in the United Nations budget for programmes for indigenous peoples were unacceptable and action should be taken to promote the short-term programme of activities for the International Decade. A board of trustees should be established for the Voluntary Fund, and a permanent forum for indigenous people should be set up. The proposal that sessions of the Working Group on Indigenous Populations should be extended by three days should be supported and the study on treaties, agreements and other constructive arrangements between States and indigenous populations and the study on protection of the heritage of indigenous people should be continued. The draft declaration should be adopted in its current form.

37. The Maya people, which constituted the great majority of the population of Guatemala, was still being denied its right to participate in political life at all levels and thus prevented from realizing its economic, political, social and cultural potential. To eliminate oppression and discrimination,

the Government of Guatemala must recognize the identity and rights of the indigenous peoples in all their aspects and put into force the mechanisms created by both national and international instruments.

38. Ms. de WEICHS (Society for Threatened Peoples) said that some Governments apparently felt threatened by the growing assertiveness of indigenous peoples and the increasing public support for their cause and wished to limit their rights. However, the draft declaration, which was the fruit of years of effort and reflected a consensus, should be adopted as it currently stood.

39. Certain Asian Governments had rekindled the debate on the need to define the term "indigenous peoples", asserting that they had no such peoples in their territory. Working definitions based on self-identification had served adequately in the past and should continue to be used. Governments opposing any reference to self-determination in the declaration maintained that international law was unclear on the subject, but that was not the case.

40. When a Government failed to represent the entire population and, in particular, when it oppressed indigenous people, then the people concerned should be permitted to exercise its right to self-determination. Noteworthy examples were the people of West Papua, oppressed by the Indonesian Government, the Karens, oppressed by the Myanmar Government, and the Chittagong Hill Tract people, whose human rights were being violated by the Government of Bangladesh.

41. Adoption of the draft declaration was not enough to improve the situation of indigenous peoples and she welcomed the efforts to establish a permanent forum for indigenous peoples, which would supplement, not replace, the important efforts of the Working Group on Indigenous Populations. She also hoped that the Commission would organize a second United Nations workshop on indigenous issues.

42. Ms. GIRMA (African Association of Education for Development) said that colonization - the appropriation by force of people and resources - had left indelible marks on the ability of societies to live in harmony. Africans, who had suffered such injustices, thus supported the resistance movements of indigenous peoples fighting for their rights to social, economic and territorial development and to control their own resources. The international community must protect the rights of indigenous peoples and safeguard their intellectual property, in particular their knowledge of biodiversity, and she supported the establishment of a permanent forum for indigenous peoples within the United Nations system.

43. Mr. LITTLECHILD (International Organization of Indigenous Resource Development), speaking on behalf of his own organization, the Grand Council of Crees and the Four Nations of Hobbema, said that the establishment of a separate agenda item for indigenous issues should help resolve some long-standing problems more quickly. Indigenous peoples had much to offer to the international community, especially in the area of the management and development of resources, but they still did not enjoy the same human rights as the rest of the world.

44. The organizations for which he was speaking endorsed the draft declaration on the rights of indigenous peoples as it stood; favoured the establishment of a high-level permanent forum for indigenous peoples, and hoped that a world conference would be held during the International Decade.

45. Ms. VENNE (International Work Group for Indigenous Affairs) said that the situation of indigenous peoples reflected an incomplete decolonization process, whereby those peoples were endangered and uncertain. Certain States refused to recognize self-definition as a criterion for the identification of indigenous groups but efforts to define indigenous peoples were simply aimed at dispossessing them and depriving them of their inherent right to existence and self-determination.

46. The first session of the open-ended Working Group on the draft declaration on the rights of indigenous peoples had been held in a spirit of partnership, and it had been the consensus among all the indigenous groups present that the draft declaration should be adopted unchanged. The declaration would be valid only if it was generally accepted by indigenous peoples and the next session of the Working Group, which should be extended to eight days should allow full participation of indigenous peoples.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (E/CN.4/1996/8, 42-44, 45 and Add.1, 46, 47, 48 and Add.1, 49, 50 and Add.1, 51, 52 and Add.1 and 2, 53 and Add.1 and Corr.1 and Add.2, 105, 109, 116, 117, 137 and 148; E/CN.4/1996/NGO/4, 10, 20, 28, 31, 34, 37, 43, 47, 51, 56, 64 and 75; A/50/332 and 685; A/CONF.177/20; E/CN.4/1995/48; E/CN.6/1996/11)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (E/CN.4/1996/11, 14, 15, 89, 90, 92, 93 and Add.1, 94, 111, 118 and Add.1, 136 and 138; E/CN.4/1996/NGO/38 and 74; A/50/482, 681 and Add.1 and 878; A/49/929)

47. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union, the Central and Eastern European countries associated with the Union and the associated countries of Cyprus and Malta, said that the United Nations stood for a world in which international law prevailed. Monitoring the implementation of human rights instruments was an area of great

importance and more attention should be paid to the reports of States parties and the related comments by treaty bodies. Better services should be provided for the special rapporteurs and treaty bodies.

48. The Union endorsed the efforts of the High Commissioner for Human Rights to make human rights, including field operations, an integral part of the cooperation between the Department of Political Affairs, the Department of Peacekeeping Operations and the Department of Humanitarian Affairs and, in that connection, called on the latter to designate the Office of the High Commissioner as a member of the Inter-Agency Standing Committee. It also encouraged the High Commissioner to develop the area of field operations. In general, United Nations agencies dealing with human rights should keep the High Commissioner informed of their activities to facilitate his role as coordinator.

49. Dialogue with Governments was a key element of the Commissioner's mandate. Such dialogue should cover the protection of human rights in general and issues specific to the particular country concerned and should include reference to any pertinent comments of treaty bodies.

50. The High Commissioner was often prevented from responding adequately to crises because of insufficient financial resources. The United Nations budget should place more emphasis on preventive measures. The promotion and protection of human rights was cost-effective because, in the long term, it resulted in savings in other fields such as peacekeeping operations or humanitarian assistance. Respect for human rights helped prevent humanitarian crises, which were costly in both human and financial terms.

51. The Union welcomed the recent measures taken by the High Commissioner to restructure the Centre for Human Rights and make its operations more effective. Attention should be paid in that regard to safeguarding the coherence and cohesion of the Centre's programmes and it was also important to provide the Centre with more financial and human resources, since resources for human rights activities were clearly inadequate. The human rights programme accounted for only 1.85 per cent of the overall United Nations budget. There was a widening discrepancy between the real growth in Secretariat resources and the exponential growth in the mandates requiring the Secretariat services.

52. While welcoming the expansion of the Centre's activities in the field of advisory services, the Union thought that expansion on such a scale demanded better management and personnel than was provided through voluntary contributions. It was prepared to continue making such contributions, but the United Nations should not depend solely upon them for human rights activities. Indeed, its impartial role in that sensitive area required that it become less and less dependent on unpredictable funding from bilateral sources. Voluntary contributions were not limitless and the Centre should come up with good and concise programmes. The procedure for voluntary funds should be made more transparent and their management simplified.

53. In that context, the Union welcomed the High Commissioner's initiative to put funding for field activities on a more predictable and transparent basis. To remedy the unsatisfactory situation whereby the Centre shouldered its

increasing workload only with the help of temporary personnel or unpaid interns, and to improve the Centre's personnel structure, existing temporary posts should be converted into regular ones. That should enhance the Centre's effectiveness by enabling it to attract highly qualified professional staff and also enable it to abide by United Nations staff regulations. Job insecurity undermined morale and interfered with rational personnel administration.

54. The most fundamental issues were better management, greater efficiency, additional resources under the regular budget and additional personnel for human rights. The Members of the United Nations must be prepared to stand up for the cause of human rights. The States members of the European Union had played and were still playing a major role and trusted that they did not stand alone.

55. Noting that international human rights instruments - including the Convention on the Elimination of All Forms of Discrimination Against Women - were the standard-setting frameworks for the improvement of respect for the fundamental rights of women and girls, he said that the Commission had a key role to play in that regard and that it must examine the obstacles to and violations of those rights.

56. At the Fourth World Conference on Women, the international community had made considerable progress towards strengthening women's rights, recognizing that they included the right to decide freely with respect to sexuality, sexual health and procreation, without any constraints, discrimination or violence. The Conference had reaffirmed the equality of rights between women and men, including the right to inheritance, the need for full participation of women in all aspects of life and the strengthening of their participation in decision-making. Each State had, however, to implement the commitments it had undertaken.

57. The Union had already carried out a number of initiatives directly connected with the results of the Conference and was currently considering an integrated strategy to introduce appropriate measures to permit equal access to and full participation of women in decision-making structures, a key element in the promotion of a just and egalitarian society. Moreover, in its development cooperation programmes, the Union stressed the need for every development project to include a gender dimension.

58. While the Union welcomed the results achieved at both Vienna and Beijing, it was nevertheless well aware that women were still too often victims of violations of human rights in both public and private life. It was thus imperative to condemn and eliminate all such violations including those committed during armed conflicts, sexual abuse and harassment, exploitation, sexual slavery and sexual mutilation. The Union consequently attached much importance to the work of the Special Rapporteur on violence against women.

59. It was quite unacceptable that women and children should be the main victims of armed conflicts, not least of land-mines. Governments must commit themselves to eliminating the causes of such crimes and bringing their perpetrators to justice. The two ad hoc international criminal tribunals recently established to punish the most serious violations in Rwanda and the

former Yugoslavia were merely a first step and the Union attached great importance to the rapid establishment of an international criminal court with the power to prosecute the most serious violations throughout the world. However, while punishment was needed to put an end to such deplorable situations, preventive measures were the preferred approach.

60. Thus decisive importance must be attached to education as a vehicle for the genuine political, civil and social emancipation of women and Governments must include in their educational systems programmes aimed at making children aware, from their infancy, of the fundamental equality of men and women. In so doing, they could draw inspiration from the activities planned under the United Nations Decade for Human Rights Education.

61. The Convention on the Elimination of All Forms of Discrimination Against Women was a fundamental instrument for the protection and promotion of women's rights and the Union urged all States to ratify it without delay so as to secure universal ratification by the year 2000. It also appealed to all States to withdraw any reservations they might have lodged. It supported initiatives that would further strengthen the systems of protection provided under the Convention and welcomed the ongoing discussions on an optional protocol thereto.

62. It was most important to combat discrimination between girls and boys, in all fields including sports. Girls and women of all ages should be given opportunities for sports, physical education and leisure activities similar to those offered to men and boys.

63. It was absolutely vital to intensify efforts to integrate equality and women's rights into all the activities of the United Nations system and to consider those issues systematically in all appropriate United Nations bodies and mechanisms. Closer coordination and cooperation were thus called for between the Commission on the Status of Women, the Commission on Human Rights and the High Commissioner for Human Rights, and the Union welcomed the ongoing cooperation between the Division for the Advancement of Women and the Centre for Human Rights.

64. The Union welcomed and stressed the significant role of NGOs, including women's movements and associations, in working peacefully for the protection and promotion of women's rights and thus laying the foundations for a fairer and more democratic global society.

65. Mr. DAYAL (India), speaking as a member of the National Human Rights Commission of India, an independent statutory body of the type envisaged in General Assembly resolution 48/134, said he would like to see closer cooperation among such national institutions and between them and the Centre for Human Rights and the United Nations human rights forums. National institutions could be a powerful "third force" between Governments and NGOs and could help bring universal principles down to the grass-roots level.

66. The report of the Secretary-General on national institutions (E/CN.4/1996/48), showed that the shortage of funds was seriously affecting the work of the United Nations in that area of human rights. The assistance provided by the United Nations for the development of national institutions

around the world was invaluable and the capacity of the United Nations Voluntary Fund for Technical Cooperation should be increased. It was to be hoped that the United Nations would provide financial and advisory support for the forthcoming international workshop on national institutions in Latin America.

67. The Commission must tackle the question of the way in which national institutions were to participate in United Nations meetings dealing with human rights. Such institutions should be given the floor immediately after the representatives of States, members and observers, and should be permitted to participate in the deliberations of the Third Committee of the General Assembly.

68. The National Human Rights Commission of India, which was completely independent and had its own staff and investigative capacity, had received 16,000 complaints to date, of which only 2,600 were pending, and had been chiefly instrumental in securing the non-renewal of the Terrorist and Disruptive Activities (Prevention) Act. It had recommended that the Government of India accede to the Convention against Torture and had produced a new draft to replace the outmoded Prison Act. It was also pressing for police reform to ensure that investigation was insulated from political, executive or other extraneous pressures.

69. In the case of Jammu and Kashmir, his organization had impressed upon the armed forces that, in performing their duties they must respect the law and had investigated any excesses that occurred. It was also trying to assist some 350,000 residents of the valley who had been displaced. It welcomed the presence of the International Committee of the Red Cross (ICRC) in the area and hoped that both national and foreign NGOs would be permitted to visit it.

70. Human Rights required a just and compassionate society. In the case of India, that meant that constitutional obligations must be fulfilled, not least with respect to compulsory education up to the age of 14. His organization was pressing for that and had launched a massive programme for education in human rights in the schools and universities, with the invaluable cooperation of the Canadian Human Rights Commission.

71. Mr. MUSA HITAM (Malaysia) said that a lack of knowledge of social, cultural, economic and political rights had dire consequences for society at large. Preventive measures such as human rights education and advisory services were thus the most constructive ways of fending off human rights abuses. All States must welcome that approach and cooperate fully in implementing it.

72. His delegation strongly supported the efforts of the Centre for Human Rights in human rights education, public information, assistance in setting up national institutions and advisory services. Although both the Centre and the Office of the High Commissioner for Human Rights were threatened by the current financial crisis, expenditure for such activities must not be underemphasized. On the contrary, those activities must be relentlessly pursued until every man, woman and child was aware of all aspects of human rights.

73. Member States had the primary responsibility of preventing rights already acquired from being eroded or abused by self-serving groups or individuals. It was gratifying to note that developing countries were attaching greater importance to promoting human rights at the national level. The broadening of United Nations advisory services and technical cooperation programmes from the development of national human rights institutions to the active involvement of civil societies was likewise a positive development. His Government was particularly interested in advice on incorporating human rights education into academic curricula, the training of national experts in human rights awareness and the education of law-enforcement agencies and the armed forces.

74. Mr. van WULFFTEN PALTHE (Netherlands) said that the actual drafting of the optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women should begin as soon as possible in order to use the momentum created by the Fourth World Conference on Women. His delegation, which had welcomed the Declaration on the Elimination of Violence against Women, commended the Special Rapporteur on violence against women on her excellent work. All States parties should ratify the amendment to the Convention which would enable the Committee on the Elimination of Discrimination against Women to increase its meeting time to three weeks.

75. To promote the mainstreaming of women's rights, closer cooperation was needed between the Division for the Advancement of Women and the Centre for Human Rights. That should be feasible through modern communication techniques. Similarly, cooperation between the Commission on Human Rights and the Commission on the Status of Women should be strengthened. The expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes had offered a useful framework to enable human rights bodies and mechanisms to incorporate the gender dimension into their work. All such bodies should take steps appropriate to their mandates to implement the meeting's recommendations.

76. Mr. ENDO (Japan) said he welcomed the results of the fourth workshop on regional human rights arrangements in the Asian and Pacific region, which had highlighted the importance of launching regional arrangements for human rights promotion on a step-by-step basis. In July 1995, his Government had co-hosted a symposium on human rights in the region, and intended to hold such a symposium annually, in the belief that it would contribute to a common understanding of human rights among Asian and Pacific countries.

77. The Fourth World Conference on Women had drawn attention to Asian women's achievements in the advancement of their status and to their active involvement in society. His Government was working out a revised national plan as part of its follow-up to that Conference.

78. Violence against women was a matter of grave concern. On the initiative of his delegation, the General Assembly had adopted resolution 50/166 establishing a trust fund on violence against women within the United Nations Development Fund for Women. On another issue of importance, his Government had officially expressed its profound apologies to the former "comfort women", had conducted a fact-finding study on the issue and had made the results available to the public. The issue had also been widely taken up in school education. An Asian Peace and Friendship Fund for Women had been established

to address the problem and other issues relating to women's rights. Japanese citizens had already contributed over 3 million dollars to the Fund, and the Japanese Government had appropriated US$ 4.8 million in 1995 and US$ 6.3 million in 1996 to enable the Fund to carry out medical and welfare projects for former "comfort women".

79. The functioning and efficiency of the Centre for Human Rights must be further improved to enable it to cope with its constantly increasing workload. His Government had just made a contribution of US$ 100,000 to cover the expenses of services required to support an information management project. It strongly supported the Centre's role in technical cooperation in the field of human rights and planned to increase its contribution to the Voluntary Fund for Technical Cooperation from US$ 600,000 to US$ 800,000 in 1996.

80. In view of its grave concern about the human rights situation in the former Yugoslavia, his Government had decided to contribute US$ 600,000 to the Centre for field operations. It strongly hoped that that would help to prevent violations of human rights and promote the return of refugees and internally displaced persons.

81. Mr. VASSYLENKO (Ukraine) said that his delegation supported any efforts to improve the Commission's effectiveness. Recent attempts, pursuant to decision 1994/111, to reform the Commission's working methods had unfortunately failed. A step-by-step approach should therefore be used in addressing the most crucial problems.

82. A spirit of confidence could be fostered by avoiding selectivity and introducing accountability in the Commission's work. The Commission must not emphasize one set of human rights to the detriment of others. It should scrutinize situations in all countries where human rights were seriously endangered or violated. It should play the role both of well-wishing friend and impartial critic, and demonstrate its ability to address the most burning human rights issues.

83. In that connection, the need to streamline the Commission's agenda was manifest. Such a re-ordered agenda should include the following priority topics: preventive programmes to promote human rights and prevent the exploitation of ethnic and racial factors for political ends; protection of human rights in internal conflicts; human rights and the environment; public information and education on human rights; advisory services and technical assistance; effective implementation of existing human rights standards and the establishment of new ones. The Commission should give due attention to elaboration of legal instruments on such topics as minimum humanitarian standards in situations of public emergency; State responsibility for gross and large-scale violations of human rights; the right to restitution, compensation and rehabilitation for victims of grave human rights violations; ecological human rights; and legal grounds for the rights of an ethnic group to territorial secession.

84. Improving the activities of the treaty bodies and special rapporteurs was likewise essential. The mandates of the various bodies and rapporteurs often overlapped, causing duplication of efforts and inefficient use of financial and other resources. Priority should be given to identifying and preventing

such duplication and to following up the decisions and recommendations of treaty bodies and other mechanisms. Regular and timely exchange of information on their activities should be encouraged.

85. The High Commissioner for Human Rights had already made some commendable efforts to coordinate human rights activities in the United Nations system. His coordination powers should be extended and coupled with new executive functions. Thus he should be authorized to prepare an annual report on the observance of human rights in the world, to request advisory opinions from the International Court of Justice, to have direct access to the Security Council, to convene special sessions of the Commission and to prepare and transmit for public scrutiny lists of States where there appeared to be a consistent pattern of gross violations of human rights and those which failed to respond to the communications procedure.

86. Failures to promote and protect human rights were often due to low levels of public awareness. The advisory services and technical assistance programmes were indispensable for responding to requests from States for help in educating common citizens as well as special groups such as the police, law-enforcement personnel, the military and health professionals.

The meeting rose at 1.05 p.m.